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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/606,022

06/24/2003

John M. Boyd

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02/21/2007

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EXAMINER

PERRIN, JOSEPH L

ART UNIT

PAPER NUMBER

1746

MAIL DATE

DELIVERY MODE

02/21/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

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Advisory Action Before the Filing of an Appeal Brief	Application No. 10/606,022	Applicant(s) BOYD ET AL.	
	Examiner Joseph L. Perrin, Ph.D.	Art Unit 1746	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 08 February 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:
- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
- b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
- Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
- (a) ☒ They raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ They raise the issue of new matter (see NOTE below);
- (c) ☒ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet. (See 37 CFR 1.116 and 41.33(a)).

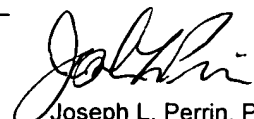
4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
- The status of the claim(s) is (or will be) as follows:
- Claim(s) allowed: _____.
- Claim(s) objected to: _____.
- Claim(s) rejected: 11-14, 17-20 and 22-30.
- Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☐ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: _____.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____
13. ☐ Other: _____.


 Joseph L. Perrin, Ph.D.
 Primary Examiner
 Art Unit: 1746

Continuation of 3. NOTE: Regarding the rejection under 35 U.S.C. §112, first paragraph, applicant's amendment removing the structural "logic" and replacing with the term "capability" is noted. However, such language is intended use and not afforded significant patentable weight. If applicant is attempting to the controller configuration to perform the "modifying" function applicant is urged to replace the "logic" term with acceptable configuration language, for instance, "controller configured to modify (adjust)...".

Further regarding the rejection under 35 U.S.C. §112, first paragraph, applicant's argument and amendment fails to overcome the rejection. Specifically, applicant changes the terms "hydrophobic" and "hydrophilic" to "affinity" in an attempt to clarify what is meant by the terms. It appears applicant has missed the thrust of the Examiner's rejection. The Examiner, being a PhD Chemist, has a clear understanding of what is meant by hydrophobic and hydrophilic. This is not the issue. The issue is the scope of the claims which covers the head and wafer simply having a "property". Such scope covers any combination of hydrophobic and hydrophilic relationship between the head and wafer. This is not supported by the original disclosure and this scope is considered new matter. As pointed out by applicant, the original disclosure only discloses the head "having a more hydrophilic property than both the wafer 108 and the edge platform 110". Thus, the scope of the claim which covers the head having a less hydrophilic property is considered new matter. Applicant is urged to continue to use the clearly supported terms "hydrophobic" and "hydrophilic" within the disclosed scope of the invention in paragraphs 89-90 and not newly introduced terms such as "affinity".

Regarding MITSUMORI, applicant argues that MITSUMORI does not disclose the claimed invention which includes the newly added "flat surface". The Examiner disagrees. The Figures of MITSUMORI disclose plural embodiments of plural inlets/outlets and the head surface having flat surfaces. The examiner notes that the broad recitation of "inlets" and "outlets" as claimed read on MITSUMORI which has some openings that function as both inlets and outlets. That is, the inlets and outlets at the surface are not structurally designated throughout the head, for instance by designated inlet/outlet conduits, thereby defining the head to read over MITSUMORI as discussed in related applications. Accordingly, such amendment fails provide adequate structure to overcome MITSUMORI.